

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRIAN E. McDERMOTT
Plaintiff

6:11-CV-1059

v.

(MAD/ATB)

U.S. DISTRICT COURT
ND. OF N.Y.
FILED

ZEBRA CICCONI and
DAVID A. STALLONE, Supt.,
Defendants

SEP 26 2011

Brian E. McDermott
Plaintiff, pro se

LAWRENCE K. BAERMAN, Clerk
UTICA

The Plaintiff, McDermott, respectfully approaches the court upon receipt and review of the Hon. Andrew T. Baxter's, recommendation and report of the Plaintiff's complaint. The Plaintiff McDermott humbly moves that he be allowed to withdraw his complaint against the abovementioned defendants Without Prejudice, in the event that the Plaintiff, McDermott, may find a statute for which there was a violation, allegedly, that the Plaintiff, may then go forward with the possibility of professional legal counsel.

The Plaintiff, McDermott, appreciates the Magistrates, Andrew T. Baxter's, understanding and patience with Pro Se litigants but had the Plaintiff had been able to afford legal counsel the Plaintiff may not have filed in Federal court had he ^{known} he would not have jurisdiction for his complaint.

The Plaintiff, McDermott, again humbly and respectfully moves to withdraw his complaint against the abovementioned defendants, Cicconi and Stallone, without prejudice.

Respectfully Submitted,



Brian E. McDermott
Plaintiff, Pro Se

26 September 2011